

NUNC PRO TUNC

2/18/2016

FILED

Mar 15 2016

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY s/ kims DEPUTY

Anton A. Ewing
3077 B Clairemont Drive, #372
San Diego, CA 92117
619-719-9640

In Pro Per

UNITED STATES FEDERAL DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Anton Ewing ,

Plaintiff,

vs.

A1 SOLAR POWER, INC., a California
Corporation;

A1 SOLAR POWER, LLC, a California
limited liability company;

PATRICK DETCHMAN, an individual;

DAVID MALKA, an individual;

SHRAGA AGAM, an individual;

JACOB SHERF, an individual;

IMAGE HOME DESIGN, INC., a
California corporation (aka California
Preferred Builders, Inc.);

SMART ENERGY SOLAR, INC, a
California corporation;

LEOBARDO JOAQUIN BAUTISTA,
an individual (aka Bautista Leo
Joaquin);

UNITED EXPRESS

CONSTRUCTION, INC., a California
Corporation;

AMER DUYED, an individual;

FREDI HAMIAS, an individual;

TREEIUM, Inc., a California
corporation;

MOTY GINSBURG, an individual;

Case NO. 16 CV 0383-JLS-NLS

**NOTICE OF PLAINTIFF'S
MOTION FOR REMAND TO
STATE SUPERIOR COURT**

28 USC §1441 et. seq.

Hearing date: April 7, 2016

Time: 1:30 PM

Courtroom: 4A

District Judge: Janice L. Smmartino

[Superior Court Case No.

37-2015-00035326-CU-FR-CTL]

NOTICE OF PLAINTIFF'S MOTION FOR REMAND TO STATE SUPERIOR COURT - 1

FEB 18 2016

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**RECEIVED**

CV2695

1 SOLARCITY CORPORATION, a
2 Delaware Corporation;
3 JAMES HENRY CAHILL, an
4 individual;
5 BENJAMIN JEREMIAH LIU, an
6 individual;
7 LYNDON ROBERT RIVE, an
8 individual;
9 PETER JOSHUA RIVE, an individual;
10 BRIAN LEE ZIMMERLY, an
11 individual;
12 RENESOLA AMERICA INC., a
Delaware Corporation;
RENEHOMES, INC., a Delaware
Corporation;
JINHUI CHEN, an individual;
JOHN DOES 1-100;
ABC CORPORATIONS 1-100;

Defendants.

TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS:

Please take notice that the federal district court will hear a motion for remand to the state Superior Court on April 7, 2016, at 1:30 PM in Courtroom 4A, before the Honorable District Judge Janice L. Sammartino, 333 West Broadway, San Diego, California 92101.

Said motion will be based on the pleadings, exhibits and any oral argument if requested by the Court.

Dated this 18th day of February, 2016

/s/ Anton Ewing
Anton Ewing

Anton A. Ewing
3077 B Clairemont Drive, #372
San Diego, CA 92117
619-719-9640

In Pro Per

UNITED STATES FEDERAL DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Anton Ewing ,

Plaintiff,

vs.

A1 SOLAR POWER, INC., a California
Corporation;

A1 SOLAR POWER, LLC, a California
limited liability company;

PATRICK DETCHMAN, an individual;

DAVID MALKA, an individual;

SHRAGA AGAM, an individual;

JACOB SHERF, an individual;

IMAGE HOME DESIGN, INC., a
California corporation (aka California
Preferred Builders, Inc.);

SMART ENERGY SOLAR, INC, a
California corporation;

LEOBARDO JOAQUIN BAUTISTA,
an individual (aka Bautista Leo
Joaquin);

UNITED EXPRESS

CONSTRUCTION, INC., a California
Corporation;

AMER DUYED, an individual;

FREDI HAMIAS, an individual;

MOTY GINSBURG, an individual;

TREEIUM, Inc., a California
corporation;

Case NO. 16 CV 00383-JLS-NLS

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFF'S MOTION FOR
REMAND TO STATE SUPERIOR
COURT**

28 USC §1441 et. seq.

Hearing date: April 7, 2016

Time: 1:30 PM

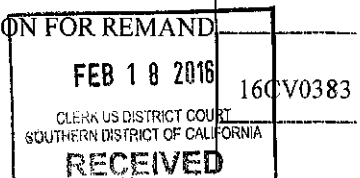
Courtroom: 4A

Judge: Hon. Janice L. Sammartino

[Superior Court Case No.

37-2015-00035326-CU-FR-CTL]

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR REMAND
TO STATE SUPERIOR COURT - 1



1 SOLARCITY CORPORATION, a
 Delaware Corporation;
 2 JAMES HENRY CAHILL, an
 individual;
 3 BENJAMIN JEREMIAH LIU, an
 individual;
 4 LYNDON ROBERT RIVE, an
 individual;
 5 PETER JOSHUA RIVE, an individual;
 6 BRIAN LEE ZIMMERLY, an
 individual;
 7 RENESOLA AMERICA INC., a
 Delaware Corporation;
 8 RENEHOMES, INC., a Delaware
 Corporation;
 9 JINHUI CHEN, an individual;
 10 JOHN DOES 1-100;
 11 ABC CORPORATIONS 1-100;
 12

Defendants.

MEMORANDUM OF POINTS AND AUTHORITIES

STANDARD APPLICABLE TO PRO SE

16 This motion for remand is written by an unrepresented pro se plaintiff who is
 17 not a member of the bar and is to be given wide latitude as such. *Hebbe v. Pliler*,
 18 611 F.3d 1202 (2010) "Pro se documents are to be liberally construed" and "must
 19 be held to 'less stringent standards than formal pleadings drafted by lawyers.'"
 20 *Estelle v. Gamble*, 429 U.S. 97, 106, 97 S. Ct. 285, 50 L. Ed. 2d 251 (1976) The
 21 *Estelle* case has been upheld 8680 times and never overruled or questioned.
 22 *Estelle* has also been cited over 34,000 times.
 23
 24
 25

1 In *Clark v. Bibb County Board of Education*, 174 F.Supp.2d 1369 (M.D.Ga.
2 2001), the court succinctly stated: because plaintiff is representing himself in this
3 case, the Court must observe that pro se litigants are entitled to wide latitude when
4 construing their pleadings and papers. See *SEC v. Elliott*, 953 F.2d 1560, 1582
5 (11th Cir.1992). One court has articulated the underlying policy rationale for this
6 rule as follows: "Implicit in the right to self-representation is an obligation on the
7 part of the court to make reasonable allowances to protect pro se litigants from
8 inadvertent forfeiture of important rights because of their lack of legal training."
9 *Traguth v. Zuck*, 710 F.2d 90, 95 (2d Cir. 1983). See also, *Middleton v. City of*
10 *Lakeland*, 830 F.Supp. 1449, 1451 (M.D.Fla. 1993) ("The Court must read
11 Plaintiffs *pro se* allegations liberally, holding them to a less stringent standard than
12 those drafted by an attorney.") See *In re O'Malley*, 252 B.R. 451, 456-457 (N.D.
13 Ill. 1999) (though a judge is not to become an advocate for a *pro se* litigant, the
14 court does have a duty to "take appropriate measures that will permit the
15 adjudication of *pro se* claims on the merits, rather than to order their dismissal on
16 technical grounds.") (internal citations omitted); *In re Barrows*, 171 B.R. 455, 459
17 (D. N.H. 1994) (*pro se* parties' pleading is entitled to a more lenient construction
18 than might otherwise be required in litigation in which both parties are represented
19 by counsel) The U.S. Supreme Court has made clear that a *pro se* complaint is held
20 to "less stringent standards than those pleadings drafted by lawyers." *Haines v.*
21
22
23
24
25

1 *Kerner*, 404 U.S. 519, 520 (1972); *see also Brown v. Califano*, 75 F.R.D. 499
2 (D.D.C. 1977). The equitable reasons for affording *pro se* plaintiffs wide
3 latitude in constructing their pleadings are simple and obvious. As one judge has
4 explained, *pro se* litigants often "are ignorant of the niceties of state and federal
5 practice, and lack the contacts with the legal profession that the more well-to-do
6 and assured of our society rely on to prevent having claims barred by statute of
7 limitations." *Stewart v. United States Postal Service*, 649 F. Supp. 1531, 1535
8 (S.D.N.Y. 1986) (quoting *Singleton v. City of New York*, 632 F.2d 185, 196 (2d
9 Cir. 1980)
10
11

12 **BACKGROUND**

13 This case was originally filed on October 20, 2015 in the Superior Court of
14 California in and for the County of San Diego as case number 37-2015-00035326.
15
16 The case was removed and then remanded back to the Superior Court by the
17 Honorable District Judge Larry Burns on January 15, 2016. The original removal
18 attempt was in fact defective.
19

20 Defendants that have settled and been dismissed thus far are:

21 TREEIUM, Inc., a California corporation;
22 MOTY GINSBURG, an individual;
23 SOLARCITY CORPORATION, a Delaware Corporation;
24 JAMES HENRY CAHILL, an individual;
25 BENJAMIN JEREMIAH LIU, an individual;
LYNDON ROBERT RIVE, an individual;
PETER JOSHUA RIVE, an individual;
BRIAN LEE ZIMMERLY, an individual;

1 SMART ENERGY SOLAR, INC, a California corporation;
2 LEOBARDO JOAQUIN BAUTISTA, an individual (aka Bautista Leo Joaquin).

3 Additionally, the A1 Solar defendants have responded to state court
4 discovery. That in and of itself is consent to jurisdiction and a fatal move by A1
5 Solar. They responded to discovery more than 30 day ago.

6 More than 30 days ago, on December 3, 2015 at 3:43 PM, a registered
7 process server personally served Defendants Malka, Detchman and Agam with a
8 true and correct copy of the Summons and Complaint filed in the Superior Court.
9 See Exhibit "A". On October 23, 2015, Defendant A1 Solar was served with a
10 copy of the Summons and Complaint. See Exhibit "A". This October 23rd
11 service was not done by fax or "courtesy copy" but rather, it was accomplished by
12 mailing a certified copy of the Summons and Complaint to the agent for service of
13 process for A1 Solar as designated by the California Secretary of State in full
14 compliance with CCP §415.30 by a registered process server. Further, the
15 individual persons Malka, Detchman and Agam were each personally served by a
16 registered process server at their place of employment in full compliance with CCP
17 §415.20. See Exhibit "A" The attached exhibit shows the proof of service was
18 signed by a registered process server under penalty of perjury. The Removing
19 Defendants do not dispute that they were served.

24 The caselaw does not actually require formal service however. There are
25 formal service rules that are applicable to the Superior Court obtaining personal

jurisdiction. Those service of process rules are not found in 28 USC §1446(b) and said federal code section does not militate service of process as the sole means to begin the 30 day clock.

A1 Solar's reliance on *Desino v. Reiswig* (9th Cir. 2011) 630 F3d 952 is misguided. What A1 Solar misses is that defendant Renesola America, Inc. had already filed an Answer to the Complaint. A1 Solar thinks that perfect service is require in order to require A1 Solar to obtain this co-defendant's consent to remove. That is simply not true when Renesola consented to the Superior Court's in personan jurisdiction by filing an Answer. Further, the method and manner of service on Renesola was not actually defective.

**REMAND OF CASE TO SUPERIOR COURT IS MANDATORY FOR
FAILURE TO COMPLY WITH STRICT REQUIREMENTS OF §1446**

A plaintiff objecting to removal may file a motion asking the district court to remand the case to state court. *Caterpillar, Inc. v. Lewis*, 519 U.S. 61, 69, 117 S. Ct. 467, 136 L. Ed. 2d 437 (1996). The Court is requested to take judicial notice of the State Superior Court docket in 37-2015-00035326 at ROA number 8 which was filed with the Clerk of the Superior Court on November 6, 2015. ROA number 8 is a proof of service that declares that all of the corporate defendants where served with the state court Summons and Complaint on October 23, 2015.

It does not matter that the proof of service is defective or not. The reality is that

1 the documents were served pursuant to state law by a process server. These six
 2 corporate defendants had been served for purposes of the 30 day removal clock and
 3 no consent was obtained from any of them by Defendants A1 Solar, Malka,
 4 Detchman or Agam (herein "A1 Defendants"). That is right¹, not even one! Thus,
 5 defense counsel for A1 Solar has not obtained the consent of all served defendants
 6 in order to properly effect removal. A1 Solar filed its Notice of Removal in the
 7 Superior Court on February 11, 2016. For some inexplicable reason, Removing
 8 Defendants also filed an Amended Notice of Removal again on February 15, 2016.
 9 Therefore, A1 Solar knew of the other served corporate co-defendants and thus had
 10 an absolute duty to obtain their consent for federal question jurisdiction. Also, Mr.
 11 Socher failed to serve any of the other defendants with his notice of removal which
 12 he is required to do.

13
 14
 15
 16 The **most critical failure**; however, is that it has been more than 30 days
 17 since A1 defendants had known about² the civil lawsuit filed in state court. The
 18 proof of service shows a date of service of October 23, 2015. The Superior Court
 19 Registry of Actions shows notice of removal filed by Mr. Socher as February 11,
 20 2016. That is more than 30 days after service. A1 Solar argues that the Supreme
 21 Court mandates service of the Summons and Complaint to start the 30 day clock
 22

23
 24 ¹ The District Court's law clerk is requested to call each of the other attorneys for the other defendants and ask
 25 whether or not A1's attorney contacted them. I did, and the answer was astonishing. No of them ever got a call,
 text, email, fax or letter. Try it.

² Another word for "known about" is "served pursuant to CCP §415.30 by mailing with a return receipt by a
 registered process server"

1 required by §1446(b). Defendant A1 Solar misreads the holding in *Murphy Bros.,*
2 *Inc.*, 526 U.S. 344. At ECF No. 4, page 6, lines 23-24, Defendant A1 Solar states
3 “Plaintiff simply mailed the summons and complaint to Defendants’ counsel’s
4 office.” This is deceitful. What Defendant A1 Solar fails to tell the Court is that
5 Plaintiff Ewing hired a registered process server to comply with state law and the
6 licensed process server mailed the summons and complaint, registered mail, first
7 class postage prepaid with return receipt requested and included therein a self-
8 addressed stamped return envelope for the Acknowledgment. That act was in full
9 compliance with the state laws regarding service of process. There is nothing more
10 that Plaintiff could have done to serve or to comply with state law. Moreover,
11 Defendant A1 Solar’s agent for service of process is and was this defense counsel,
12 Mr. Socher³. For Mr. Socher to argue that this is somehow irrelevant is bizarre and
13 deceitful. California state law required the registered process server to mail the
14 summons and complaint to defense counsel, because he is the listed agent. The
15 Supreme Court held that the above acts are all that is required for the 30 day
16 removal clock to start running. The Supreme Court did not hold that defendants
17 could play dishonest games and engage in chicanery by surreptitiously and
18 intentionally failing to sign an Acknowledgement for state law service (applicable
19 only to state court jurisdiction issues only). That would be an absurd holding and a
20
21
22
23
24

25 ³ Interestingly, public records indicate that Socher is also the President of A1 Solar.

1 total bastardization of the clear language of the removal statute that Congress
2 passed. The judicial branch does not write the laws. And defense counsel does not
3 interpret laws.

4 Defendant's reliance on *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526
5 U.S. 344, 348, 119 S. Ct. 1322, 143 L. Ed. 2d 448 (1999) is misplaced. *In Murphy*
6 *Bros.*, the Supreme Court found that "mere receipt of the complaint unattended by
7 any formal service" did not trigger a named defendant's time to remove a case from
8 state court. *Id.* at 348. "But the decision did not address whether service was a
9 prerequisite for a defendant to be able to remove a case." *Delgado*, 231 F.3d at 177
10 n.23. (*Sutler v. Redland Ins. Co.* (D.Mass. Oct. 23, 2012, No. 12-10656-RWZ)
11 2012 U.S. Dist. LEXIS 152049, at *6-7, fn. 4.). Removing Defendants argue that
12 service of process is a prerequisite and that is simply not true and not the law.
13 Plaintiff never provided Removing Defendants with a "courtesy copy" of the
14 Complaint. Rather, Plaintiff hired multiple registered private process servers to
15 personally serve the Complaint and to formally mail said documents via registered
16 mail in compliance with the CCP.

17 *In Murphy Brothers*, the Supreme Court held that "a named defendant's time
18 to remove is triggered by simultaneous service of the summons and complaint, or
19 receipt of the complaint, 'through service or otherwise,' after and apart from service
20 of the summons, but not by mere receipt of the complaint unattended by any
21

1 formal service." 526 US. at 347-48, 119 S.Ct. 1322. See *NXIVM Corp. v. Ross*,
2 No. 09-CV-338S, 2009 U.S. Dist. LEXIS 52373, 2009 WL 1765240, at *3
3 (W.D.N.Y. June 22, 2009) ("The [Murphy Brothers] Court never discussed the
4 defendant's options prior to formal service, nor did it determine that a removal
5 would be premature if it was filed prior to formal service."); *Soliman v. L-3*
6 *Communs. Corp.*, No. C 08-04838 WHA, 2008 U.S. Dist. LEXIS 105521, 2008
7 WL 5383151, at *2 (N.D. Cal. Dec. 24, 2008) ("[The Murphy Brothers Court]
8 found that, because defendants are not required to respond until they have been
9 formally served, the 30-day period begins to run only upon service of a summons
10 or other authority-asserting measure stating the time within which the party served
11 must appear and defend. It did not address whether a defendant may remove a case
12 prior to the commencement of that 30-day clock; that is, whether service is a
13 prerequisite to removal."). (*King v. United Way of Cent. Carolinas, Inc.*
14 (W.D.N.C. Aug. 5, 2009, No. 3:09cv164) 2009 U.S. Dist. LEXIS 68401, at *7-8.)

15
16
17
18 The District Court is respectfully requested to take judicial notice, pursuant
19 to Federal Rule of Evidence 201, of the filing date in the Superior Court Case
20 Number 37-2014-00035326-CU-FR-CTL. Said filing date is October 20, 2015,
21 with service completed on October 23, 2015 and Removing Defendants receipt of
22 the Summons, Complaint, Civil Case Cover Sheet, Notice to Litigants, and ADR
23 forms on October 23, 2015 and December 3, 2015. The Court is further requested
24
25

1 to take judicial notice of the indisputable principle and concept that October 23,
2 2015 plus 30 days is November 22nd. Removing Defendants and Mr. Socher are
3 simply too late. Further the burden of proof on removal is on the removing
4 Defendants. Nowhere in the removal notice or the amended removal notice does
5 A1 or its counsel talk about the 30 day requirement. There is zero analysis, zero
6 discussion, and zero explanation of the 30 day rule for removal.
7

8 A defendant "desiring to remove any civil action" from state court to federal
9 court must file a "notice of removal signed pursuant to Rule 11 of the Federal
10 Rules of Civil Procedure and containing a short and plain statement of the grounds
11 for removal, together with a copy of all process, pleadings, and orders served upon
12 such defendant" in the state action. 28 U.S.C. § 1446(a) (*emphasis added*). A1
13 Solar has failed to comply with this express requirement. "The defendant bears the
14 burden of establishing that removal is proper." *Provincial Gov't of Marinduque v.*
15 *Placer Dome, Inc.*, 582 F.3d 1083, 1087 (9th Cir. 2009). "The removal statute is
16 *strictly construed* against removal jurisdiction," *id.*, and removal jurisdiction
17 "**must be rejected** if there is any doubt as to the right of removal in the first
18 instance." *Geographic Expeditions, Inc. v. Estate of Lhotka*, 599 F.3d 1102, 1106
19 (9th Cir. 2010) (internal quotations omitted.) "The 'strong presumption' against
20 removal jurisdiction means that the defendant always has the burden of
21 establishing that removal is proper." *Id.* 28 USC 1446(b)(1) provides that
22
23
24
25

1 Defendants had only 30 days after they *knew of* the lawsuit to remove it to federal
2 court. “The notice of removal of a civil action or proceeding **shall** be filed within
3 30 days after the receipt by the defendant, through service or otherwise, of a copy
4 of the initial pleading setting forth the claim for relief upon which such action or
5 proceeding is based...” (emphasis added) Congress put “through service or
6 *otherwise*” and here the “otherwise” is the date the Removing Defendants were
7 provided a copy of the summons and complaint by a registered process server
8 acting pursuant to CCP §415.30. The complaint is the “initial pleading setting
9 forth the claim for relief upon which such action or proceeding is based.”
10
11

12 Removing Defendants have unreasonably delayed this matter. The reason behind
13 the rule is that Congress wanted cases, if they were to be transferred, to be
14 transferred before significant discovery had been propounded. In this matter, it is
15 simply too late.
16

17 A1 Solar was also served with the following discovery pleadings and yet has
18 failed to include them in the removal filing as required by section 1441 et seq.:
19

- 20 1. Form Interrogatories
- 21 2. Requests for Admissions
- 22 3. Requests for Production of Documents
- 23 4. Notice of Dismissal of Solarcity
- 24 5. Answers by filed by four other defendants.
- 25

1 Importantly, the Plaintiff has already propounded interrogatories, requests
2 for production of documents, requests for admissions and subpoenas for video
3 depositions of other defendants. Removing Defendants are unethically trying to
4 achieve a significant and unreasonable delay of these proceeding and an
5 obfuscation and frustration of the discovery process by frivolously removing this
6 case to federal court.
7

8 Defense counsel has also failed to file with the federal district court all
9 pleadings and process from the state court. This violates 28 USC §1446.
10 Removal statutes are construed restrictively, so as to limit removal jurisdiction, and
11 doubts as to removability are resolved in favor of remanding the case to the state
12 court. *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108-109, 61 S.Ct. 868,
13 872, 85 L. Ed. 1214 (1941); *Gaus*, 980 F.2d at 566. On plaintiff's motion for
14 remand, the defendants seeking removal of the action to federal court have the
15 burden of establishing grounds for federal jurisdiction in the case. *Id.* Said
16 defendants also have the burden of showing that they have complied with the
17 procedural requirements for removal. *California ex rel. Lockyer v. Dynegy, Inc.*,
18 375 F.3d 831, 838 (9th Cir. 2004). Since Removing Defendants have failed to
19 obtain consent of those co-defendants that they knew has been served, and because
20
21
22
23
24
25

1 the Plaintiff fully complied with the California Code of Civil Procedure⁴ §415.30
2 regarding service of the Summons and Complaint of the agents for service of
3 process listed with the Secretary of State more than 30 days prior to removal notice
4 filing, the Removing Defendants have failed to comply with the strict procedural
5 requirements.
6

7 The Court should also note CCP §415.40 which states that service in the
8 same exact manner via registered mail with return receipt is deemed complete
9 when the defendant is outside of California. It reads: "A summons may be served
10 on a person outside this state in any manner provided by this article or by sending a
11 copy of the summons and of the complaint to the person to be served by first-class
12 mail, postage prepaid, requiring a return receipt. Service of a summons by this
13 form of mail is deemed complete on the 10th day after such mailing." The US
14 Supreme Court did not hold that in-state defendants get to game the system and
15 extend the 30 day window indefinitely by merely playing dirty-pool with the
16 Acknowledgment.
17
18

19 Moreover, other defendants have already filed Answers with the Clerk of the
20 Superior Court. Mr. Socher failed to include all of those documents with the
21 removal and has thus frustrated the proceedings in the state court. 28 U.S.C.
22
23

24 ⁴ (a) A summons may be served by mail as provided in this section. A copy of the summons and of the
25 complaint shall be mailed (by first-class mail or airmail, postage prepaid) to the person to be served,
together with two copies of the notice and acknowledgment provided for in subdivision (b) and a return
envelope, postage prepaid, addressed to the sender. Cal Code Civ Proc § 415.30

1 §1446(b)(2) provides: "When a civil action is removed solely under section
2 1441(a), all defendants who have been properly joined and served must join in or
3 consent to the removal of the action." Mr. Socher had notice of the other served
4 corporate defendants because California Superior Court ROA No. 10 told him
5 exactly that. Mr. Socher failed to obtain the consent of "all defendants who have
6 been properly joined and served." Mr. Socher did not even obtain the consent of
7 one other defendant let alone all of them.
8

9 The Court should also note that attorney David Socher and Plaintiff have
10 exchanged over 30 emails about this lawsuit dating back to June 8, 2015. It is not
11 like Socher or A1 Solar have just learned about his lawsuit. They have known
12 about it for over 7 months.
13

14 The Complaint was served more than 30 days before removal, Mr. Socher
15 failed to serve other defendants who had already been served with this notice of
16 removal, all discovery has already been propounded and this case is mainly about
17 state law illegal recording of calls in violation of Penal Code 632.
18

19 Further, the California Secretary of State lists attorney David Socher, Esq. as
20 the agent for service of process for A1 Solar. The attorney was served at the law
21 firm address. The Summons and Complaint did not float around a construction
22 office for weeks and weeks before getting over to the law firm. Further, Mr.
23
24
25

1 Socher and Plaintiff have had multiple conversations in the months before this
2 filing. They clearly had more than ample notice.

3 Removing Defendants have not complied with the technical aspects of
4 removal procedures and jurisdiction and because Removing Defendants have the
5 burden of proof and have not proven compliance, then remand is mandatory.
6

7
8 Dated this 18th day of February, 2016

9
10 /s/ Anton Ewing
11 Anton Ewing
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Cases

<i>Brown v. Califano</i> , 75 F.R.D. 499 (D.D.C. 1977)	4
<i>California ex rel. Lockyer v. Dynegy, Inc.</i> , 375 F.3d 831, 838 (9th Cir. 2004)	13
<i>Caterpillar, Inc. v. Lewis</i> , 519 U.S. 61, 69, 117 S. Ct. 467, 136 L. Ed. 2d 437 (1996)	6
<i>Clark v. Bibb County Board of Education</i> , 174 F.Supp.2d 1369 (M.D.Ga. 2001)	3
<i>Estelle v. Gamble</i> , 429 U.S. 97, 106, 97 S. Ct. 285, 50 L. Ed. 2d 251 (1976)	2
<i>Geographic Expeditions, Inc. v. Estate of Lhotka</i> , 599 F.3d 1102, 1106 (9th Cir. 2010)	11
<i>Haines v. Kerner</i> , 404 U.S. 519, 520 (1972)	4
<i>Hebbe v. Pliler</i> , 611 F.3d 1202 (2010)	2
<i>In re Barrows</i> , 171 B.R. 455, 459 (D. N.H. 1994)	3
<i>In re O'Malley</i> , 252 B.R. 451, 456-457 (N.D. Ill. 1999)	3
<i>Middleton v. City of Lakeland</i> , 830 F.Supp. 1449, 1451 (M.D.Fla. 1993)	3
<i>Provincial Gov't of Marinduque v. Placer Dome, Inc.</i> , 582 F.3d 1083, 1087 (9th Cir. 2009)	11
<i>SEC v. Elliott</i> , 953 F.2d 1560, 1582 (11th Cir. 1992)	3
<i>Shamrock Oil & Gas Corp. v. Sheets</i> , 313 U.S. 100, 108-109, 61 S.Ct. 868, 872, 85 L. Ed. 1214 (1941)	13
<i>Singleton v. City of New York</i> , 632 F.2d 185, 196 (2d Cir. 1980)	6
<i>Stewart v. United States Postal Service</i> , 649 F. Supp. 1531, 1535 (S.D.N.Y. 1986)	4
<i>Traguth v. Zuck</i> , 710 F.2d 90, 95 (2d Cir. 1983)	3

EXHIBIT "A"

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: Renehomes, Inc.	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference & Notice to Litigants
3. a. Party served (specify name of party as shown on documents served):
Renehomes, Inc.
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Registered Agent: Matthew Gunawan
4. Address where the party was served:
301 Howard St., Ste 850, San Francisco, CA 94105
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. ☐ **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER:
DEFENDANT/RESPONDENT: Renehomes, Inc.	37-2015-00035326

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 10/23/15 (2) from (city): San Diego
- (3) ☒ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number:
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date: 10/23/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: Renesola America Inc.	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference & Notice to Litigants
3. a. Party served (specify name of party as shown on documents served):
Renesola America Inc.
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Registered Agent: CT Corporation System
4. Address where the party was served:
818 West 7th St., Ste 930, Los Angeles, CA 90017
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. ☐ by substituted service. On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER:
DEFENDANT/RESPONDENT: Renesola America Inc.	37-2015-00035326

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 10/23/15 (2) from (city): San Diego
- (3) ☒ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: 10/23/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: Solarcity Corporation	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference & Notice to Litigants
3. a. Party served (specify name of party as shown on documents served):
Solarcity Corporation
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Registered Agent: CT Corporation System
4. Address where the party was served:
818 West 7th St., Ste 930, Los Angeles, CA 90017
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. ☐ **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER:
DEFENDANT/RESPONDENT: Solarcity Corporation	37-2015-00035326

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 10/23/15 (2) from (city): San Diego
- (3) ☒ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

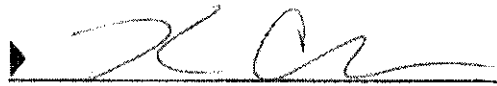
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10/23/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: Treeium Inc.	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference & Notice to Litigants
3. a. Party served (specify name of party as shown on documents served):
Treeium Inc.
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Registered Agent: Moty Ginsbury
4. Address where the party was served:
5352 Laurel Canyon Blvd., Ste 200, Valley Village, CA 91607
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER:
DEFENDANT/RESPONDENT: Treeium Inc.	37-2015-00035326

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 10/23/15 (2) from (city): San Diego
- (3) ☒ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10/23/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: United Express Construction, Inc.	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): **Notice of Case Management Conference & Notice to Litigants**
3. a. Party served (specify name of party as shown on documents served):
United Express Contruction, Inc.
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Registered Agent: Ameer Duyeb
4. Address where the party was served:
15500 Erwin St., Ste 1001, Van Nuys, CA 91411
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. ☐ **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER: 37-2015-00035326
DEFENDANT/RESPONDENT: United Express Construction, Inc.	

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 10/23/15 (2) from (city): San Diego
- (3) ☒ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date: 10/23/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: Smart Energy Solar, Inc.	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference & Notice to Litigants
3. a. Party served (specify name of party as shown on documents served):
Smart Energy Solar, Inc.
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Registered Agent: Raymond Babaian
4. Address where the party was served:
9333 Fairway View Pl, Ste 200, Rancho Cucamonga, CA 91730
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. ☐ **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER:
DEFENDANT/RESPONDENT: Smart Energy Solar, Inc.	37-2015-00035326

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 10/23/15 (2) from (city): San Diego
- (3) ☒ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date: 10/23/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: Image Home Design, Inc.	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference & Notice to Litigants
3. a. Party served (specify name of party as shown on documents served):
Image Home Design, Inc.
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Registered Agent: Jacob Sherf
4. Address where the party was served:
20335 Ventura Blvd., Ste 422, Woodland Hills, CA 91364
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER: 37-2015-00035326
DEFENDANT/RESPONDENT: Image Home Design, Inc.	

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 10/23/15 (2) from (city): San Diego
- (3) ☒ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

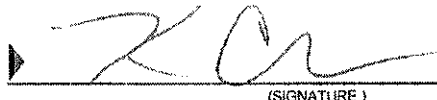
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10/23/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: A1 Solar Power, LLC	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference & Notice to Litigants
3. a. Party served (specify name of party as shown on documents served):
A1 Solar Power, LLC
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Registered Agent: Or Bytton
4. Address where the party was served:
15025 Oxnard St., Ste 200, Van Nuys, CA 91411
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER:
DEFENDANT/RESPONDENT: AI Solar Power, LLC	37-2015-00035326

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): 10/23/15 (2) from (city): San Diego
- (3) ☒ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: 10/23/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: A1 Solar Power, Inc.	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference & Notice to Litigants
3. a. Party served (specify name of party as shown on documents served):
 A1 Solar Power, Inc.
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
 Registered Agent: David Socher
4. Address where the party was served:
 3443 Golden Gate Way, Ste F, Lafayette, CA 94549
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER:
DEFENDANT/RESPONDENT: AI Solar Power, Inc.	37-2015-00035326

5. c. ☒ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in Item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): 10/23/15 (2) from (city): San Diego
- (3) ☒ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10/23/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

Attorney or Party without Attorney:		For Court Use Only	
Telephone No:		Ref. No. or File No.:	
Attorney for: Plaintiff			
Insert name of Court, and Judicial District and Branch Court:			
SAN DIEGO COUNTY SUPERIOR COURT			
Plaintiff: ANTON EWING			
Defendant: A 1 SOLAR POWER, INC., et al.			
PROOF OF SERVICE SUMMONS & COMPLAINT,		Hearing Date:	Case Number:
		Time:	37-2015-00035326-CU-BT-CTL
		Dept/Div:	

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the SUMMONS (AND) COMPLAINT,

3. a. Party served: A 1 SOLAR POWER, INC., A CALIFORNIA CORPORATION -
b. Person served: DAVID SOCHER, AGENT FOR SERVICE

4. Address where the party was served: 3443 GOLDEN GATE WAY
SUITE F
Lafayette, CA 94549

5. I served the party:
a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Wed., Dec. 09, 2015 (2) at: 12:55PM

6. The "Notice to the Person Served" (on the Summons) was completed as follows:
on behalf of: A 1 SOLAR POWER, INC., A CALIFORNIA CORPORATION
Under CCP 416.10 (corporation)

7. Person Who Served Papers:

a. DAMON PULIDO
b. KRISTIN L CLOVER
3077 CLAIREMONT DRIVE
#372
SAN DIEGO, CA 92117
c. 618-534-4208

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was:

e. I am: (3) registered California process server
(i) Independent Contractor
(ii) Registration No.: 849
(iii) County: Contra Costa
(iv) Expiration Date: Thu, Nov. 02, 2017

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wed, Dec. 09, 2015

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: A1 Solar Power, Inc.	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): **Notice of Case Management Conference & Notice to Litigants**
3. a. Party served (specify name of party as shown on documents served):
LEOBARDO JOAQUIN BAUTISTA aka BAUTISTA LEO JOAQUIN
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
SMART ENERGY SOLAR, INC. - 920 S Andreasen Dr #104, Escondido, CA 92029(place of work)
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **12/3/15** (2) at (time): **3:15pm**
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER:
DEFENDANT/RESPONDENT: A1 Solar Power, Inc.	37-2015-00035326

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

- d. ☒ by other means (specify means of service and authorizing code section):
Code Civ. Proc., Section 415.20

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input checked="" type="checkbox"/> other: 415.20 |

7. Person who served papers

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: 3105
- (iii) County: San Diego

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

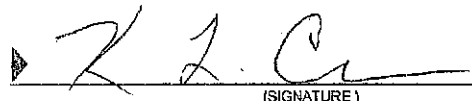
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 12/3/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: A1 Solar Power, Inc.	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons
 - ☒ complaint
 - ☒ Alternative Dispute Resolution (ADR) package
 - ☒ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): Notice of Case Management Conference & Notice to Litigants
- Party served (specify name of party as shown on documents served):
DAVID MALKA
 - ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
- Address where the party was served: **326**
A1 Solar Power, Inc. - 8515 Arjons Dr, San Diego, CA 92126 (place of work) Vanessa Mgr
- I served the party (check proper box)
 - ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/3/15 (2) at (time): 3:43pm
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER:
DEFENDANT/RESPONDENT: A1 Solar Power, Inc.	37-2015-00035326

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☒ **by other means** (specify means of service and authorizing code section):
- Code Civ. Proc., Section 415.20
- ☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):
- under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input checked="" type="checkbox"/> other: 415.20 |

7. Person who served papers

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:
- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: 3105
- (iii) County: San Diego

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 12/3/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: A1 Solar Power, Inc.	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Notice of Case Management Conference & Notice to Litigants
3. a. Party served (specify name of party as shown on documents served):
PATRICK DETCHMAN
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served: **SeGi**
A1 Solar Power, Inc. - 8515 Arjons Dr, San Diego, CA 92126 (place of work) Vanessa, Mgr
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 12/3/15 (2) at (time): 3:43pm
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER:
DEFENDANT/RESPONDENT: AI Solar Power, Inc.	37-2015-00035326

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

- d. ☒ by other means (specify means of service and authorizing code section):
Code Civ. Proc., Section 415.20

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.60 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input checked="" type="checkbox"/> other: 415.20 |

7. Person who served papers

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No. 3105
- (iii) County: San Diego

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

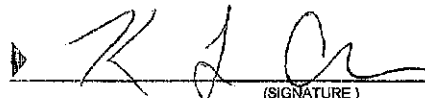
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 12/3/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117		FOR COURT USE ONLY	
TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division			
PLAINTIFF/PETITIONER: Anton Ewing		CASE NUMBER: 37-2015-00035326	
DEFENDANT/RESPONDENT: A1 Solar Power, Inc.		Ref. No. or File No.:	
PROOF OF SERVICE OF SUMMONS			

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons
 - ☒ complaint
 - ☒ Alternative Dispute Resolution (ADR) package
 - ☒ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☒ other (specify documents): **Notice of Case Management Conference & Notice to Litigants**
- Party served (specify name of party as shown on documents served):
SHARAGA AGAM
 - ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
- Address where the party was served: **See 5c**
A1 Solar Power, Inc. - 8515 Arjons Dr, San Diego, CA 92126 (place of work) **Vanessa, MAF**
 - ☒ I served the party (check proper box)
 - ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **12/3/15** (2) at (time): **3:43**
 - ☐ by substituted service. On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the possession of _____ and the information in item 2 is indicated in item 2.

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER:
DEFENDANT/RESPONDENT: A1 Solar Power, Inc.	37-2015-00035326

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

- d. ☒ by other means (specify means of service and authorizing code section):
Code Civ. Proc., Section 415.20

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input checked="" type="checkbox"/> other: 415.20 |

7. Person who served papers

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No. 3105
- (iii) County: San Diego

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

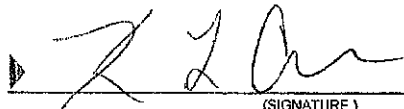
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 12/3/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Anton Ewing 3077 Clairemont Dr., #372 San Diego, CA 92117 TELEPHONE NO.: 619-719-9640 FAX NO. (Optional): E-MAIL ADDRESS (Optional): anton@antonewing.com ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central Division	
PLAINTIFF/PETITIONER: Anton Ewing DEFENDANT/RESPONDENT: AI Solar Power, Inc.	CASE NUMBER: 37-2015-00035326
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): **Notice of Case Management Conference & Notice to Litigants**
3. a. Party served (specify name of party as shown on documents served):
MOTY GINSBURG
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
TRETIUM INC. 6440 Lusk Boulevard, Suite D-209, San Diego, CA 92121 (place of work) - Cabinide
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **12/3/15** (2) at (time): **4:00p**
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date) from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

Page 1 of 2

PLAINTIFF/PETITIONER: Anton Ewing	CASE NUMBER:
DEFENDANT/RESPONDENT: AI Solar Power, Inc.	37-2015-00035326

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

- d. ☒ by other means (specify means of service and authorizing code section):
Code Civ. Proc., Section 415.20

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input checked="" type="checkbox"/> other: 415.20 |

7. Person who served papers

- a. Name: Kristin Clover
- b. Address: 3077 Clairemont Dr., #372, San Diego, CA 92117
- c. Telephone number: 619-719-9640
- d. The fee for service was: \$ 150.00
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No: 3105
- (iii) County: San Diego

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

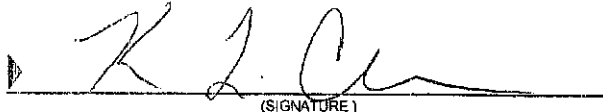
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 12/3/15

Kristin Clover

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)